

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CAPITOL AGGREGATES, INC., a
Texas Corporation,
Plaintiff

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VS.

CIVIL ACTION 5:23-cv-00719

IPEC, INC., a Delaware Corporation,
Defendant.

DEFENDANT’S ADVISORY TO THE COURT REGARDING
DEFENDANT’S MOTION FOR SANCTIONS

TO THE HONORABLE U.S. DISTRICT COURT JUDGE:

Defendant IPEC, Inc. (“IPEC”) files this Advisory to the Court Regarding Defendant’s Motion for Sanctions.

I. INTRODUCTION

1. Pending before the Court is a Motion for Sanctions filed by IPEC (Doc. 16). The basis for the motion is that witnesses produced by Plaintiff Capitol Aggregates, Inc. (“Capitol”) in response to Rule 30(b)(6) deposition notices were unprepared to address the issues about which they had been designated to testify.

2. Capitol filed a response to IPEC’s motion (Doc. 19). Today is the deadline for IPEC’s reply.

3. IPEC files this Advisory to inform the Court that the parties are negotiating a resolution to the issues raised by IPEC’s sanctions motion and to request that the Court withhold ruling on the motion pending those negotiations.

4. This Advisory does not represent a concession that any of the arguments set out in Capitol’s response are factually correct or legally sound.

5. IPEC reserves all rights to seek an award of all relief described in IPEC's Motion for Sanctions.

II. PRAYER

WHEREFORE, Defendant IPEC, Inc. prays that the Court withhold ruling on IPEC's Motion for Sanctions until such time as IPEC notifies the Court that the parties are at an impasse in negotiations regarding the issues raised by the motion. IPEC prays for all and such further relief to which it is entitled.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I certify that on March 22, 2024 a true and correct copy of the foregoing document was served on counsel listed below in accordance with the Federal Rules of Civil Procedure:

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